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**UNITED STATES DISTRICT COURT  
 DISTRICT OF NEVADA**

HERER BRANDS INC., a Nevada corporation,	)	Case No. 2:23-cv-01235-JCM-BNW
	)	
Plaintiff,	)	
	)	<b>STIPULATION TO EXTEND TIME</b>
vs.	)	<b>FOR PLAINTIFF/COUNTER-</b>
	)	<b>DEFENDANT HERER BRANDS, INC.</b>
	)	<b>TO RESPOND TO</b>
DANIEL HERER, an individual, and DOES 1 through 10, inclusive; ROE BUSINESS ENTITIES, 1 through 10, inclusive,	)	<b>DEFENDANT/COUNTER-CLAIMANT</b>
	)	<b>DANIEL HERER'S COUNTERCLAIM</b>
	)	<b>(FIRST REQUEST)</b>
Defendants.	)	
	)	
DANIEL HERER, an individual,	)	
	)	
Counter-Claimant,	)	
	)	
vs.	)	
	)	
HERER BRANDS INC., a Nevada corporation,	)	
	)	
Counter-Defendant.	)	
	)	
	)	
	)	

DANIEL HERER, an individual, )  
 )  
Third-Party Plaintiff, )  
 )  
vs. )  
 )  
DENNIS D’ALESSIO, an individual; )  
OLIVER DUGGAL, an individual; )  
CALYFX, a California corporation; )  
UNIVERSAL BRANDS, INC., a )  
Nevada corporation, )  
 )  
Third-Party Defendants. )

**STIPULATION TO EXTEND TIME FOR PLAINTIFF/COUNTER-DEFENDANT  
HERER BRANDS, INC. TO RESPOND TO DEFENDANT/COUNTER-CLAIMANT**

**DANIEL HERER’S COUNTERCLAIM**

**(First Request)**

WHEREAS, on July 12, 2023, Plaintiff Herer Brands, Inc. (“HBI”) filed a Complaint against Defendant Daniel Herer (“Herer”) in the Nevada Eighth Judicial District Court (“State Court”) (*See* ECF No. 1-2);

WHEREAS, on August 7, 2023, Herer filed Defendant Daniel Herer’s Removal Petition in this Court (ECF No. 1);

WHEREAS, on August 13, 2023, Herer filed an Answer to HBI’s Complaint and a Counterclaim against HBI in this Court (ECF No. 4);

WHEREAS, based on the August 13, 2023 service of the Counterclaim, HBI’s deadline to respond to the Counterclaim is September 5, 2023;

WHEREAS, on August 30, 2023, HBI filed Motions to Remand and for Award of Costs and Attorney’s Fees Under U.S.C. § 1447(c) or, Alternatively, to Remand or Stay Based on Abstention and/or Comity or, Alternatively, to Remand or Stay Based on Contractual Forum Selection Provision (“Motions to Remand”) (ECF No. 9);

1 WHEREAS, the outcome of the Motions to Remand may require that the action  
2 proceed in State Court;

3 WHEREAS, the parties submit that postponing HBI's response date until after the  
4 Court's decision on HBI's Motions to Remand would be in the public and private interests  
5 in judicial economy;

6 WHEREAS, this is the first stipulation for extension of time to respond to the  
7 Counterclaim;

8 NOW THEREFORE, the parties hereby stipulate and agree, as follows:

- 9 1. HBI shall have an additional thirty (30) days, until October 5, 2023, to respond  
10 to Herer's Counterclaim.

11 Respectfully submitted,

12 Dated: August 31, 2023

**ENENSTEIN PHAM GLASS & RABBAT LLP**

13  
14 By:  \_\_\_\_\_

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24 *Attorneys for Plaintiff/Counter-Defendant*  
25 *Herer Brands Inc.*

26 ///

27 ///

28 ///

1 Dated: August 31, 2023

**WILSON, ELSER, MOSKOWITZ, EDELMAN &  
DICKER LLP**

4 By: /s/Jonathan A. Rich

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Nevada Bar Number 11913

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*Attorneys for Defendant/Counter-Claimant*

*Daniel Herer*

**ORDER**

**IT IS SO ORDERED**

**DATED:** 2:10 pm, September 01, 2023



**BRENDA WEKSLER  
UNITED STATES MAGISTRATE JUDGE**

**CERTIFICATE OF SERVICE**

I am employed in Clark County, State of Nevada. I am over the age of 18 and not a party to the within action. My business address is 11920 Southern Highlands Parkway, Suite 103, Las Vegas, Nevada 89141.

On August 31, 2023, I served the following document(s) described as:  
**STIPULATION TO EXTEND TIME FOR PLAINTIFF/COUNTER-DEFENDANT  
HERER BRANDS INC. TO RESPOND TO DEFENDANT/COUNTER-CLAIMANT  
DANIEL HERER'S COUNTERCLAIM (FIRST REQUEST)**, on the interested party  
in this action as stated below:

Karen L. Bashor, Esq.

Jonathan A. Rich, Esq.

**WILSON, ELSER, MOSKOWITZ,**

**EDELMAN & DICKLER LLP**

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Las Vegas, NV 89119

*Karen.bashor@wilsonelser.com*

*Jonathan.rich@wilsonelser.com*

*Attorneys for Defendant/Counter-  
Claimant Daniel Herer*

[X] BY NOTICE OF ELECTRONIC FILING (NEF): I checked the CM/ECF docket for this case and determined that the interested parties are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated above.

[X] (FEDERAL) I declare under penalty of perjury under the laws of the United States that the above is true and correct.

/s/Lauren A. Verbanik

Lauren Verbanik, *Paralegal*